

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. BANK, NATIONAL ASSOCIATION,

*Plaintiff,*

V.

JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION,

*Defendant.*

CIVIL ACTION NO. \_\_\_\_\_

**Plaintiff's Original Complaint**

Plaintiff U.S. Bank, National Association ("U.S. Bank"), for its Complaint against Defendant JP Morgan Chase Bank, National Association ("JP Morgan Chase Bank"), states and alleges as follows:

**I. Parties**

1. U.S. Bank is a national banking association organized under the laws of the United States, with Minnesota as the state designated in its articles of association as its main office. Thus, Plaintiff is a citizen of Minnesota for diversity jurisdiction purposes.

2. JP Morgan Chase Bank is a national banking association organized under the laws of the United States, with Ohio as the state designated in its articles of association as its main office. Thus, Defendant is a citizen of Ohio for diversity jurisdiction purposes.

## **II. Jurisdiction and Venue**

3. This Court has jurisdiction over this action under 28 U.S.C. § 1332 because the matter in controversy exceeds the sum of \$75,000, and the case is between citizens of different states.

4. Venue is proper in this Court under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in Bedford, Texas, in the Northern District of Texas.

## **III. Claims**

### **Count 1 — Breach of Presentment Warranty**

5. U.S. Bank's customer Alliance Residential Holdings, LLC, used its U.S. Bank checking account to draw check number 50827, dated May 21, 2021, in the amount of \$118,084.00, and with "Robert Hicks" as the named payee (the "Check").

6. Someone forged Robert Hicks' endorsement on the Check.

7. At its Bedford, Texas branch, JP Morgan Chase Bank took the Check for deposit with the forged endorsement.

8. JP Morgan Chase Bank presented the Check to U.S. Bank for payment.

9. U.S. Bank paid the Check to JP Morgan Chase Bank in the amount of \$118,084.00.

10. U.S. Bank received an Affidavit of Unauthorized Paper Debit from Robert Hicks dated March 2, 2022.

11. Robert Hicks' Affidavit of Unauthorized Paper Debit avers that the endorsement on the reverse side of the Check is a forgery.

12. U.S. Bank gave notice to JP Morgan Chase Bank of the forged endorsement on the Check and requested that JP Morgan Chase Bank reimburse U.S. Bank for the Check.

13. JP Morgan Chase Bank refused to tender reimbursement to U.S. Bank as requested.

14. Under Texas Business and Commerce Code § 4.208, when JP Morgan Chase Bank presented the Check to U.S. Bank, JP Morgan Chase Bank warranted that there were no unauthorized endorsements on the Check.

15. By presenting the Check to U.S. Bank for payment with a forged endorsement, JP Morgan Chase Bank breached its presentment warranty.

16. JP Morgan Chase Bank's breach of its presentment warranty has damaged U.S. Bank in the amount of \$118,084.00, plus finance charges and expenses.

### **Count 2 — Unjust Enrichment**

17. When U.S. Bank paid the Check to JP Morgan Chase Bank, JP Morgan Chase Bank received and accepted consideration to which it was not entitled.

18. Because JP Morgan Chase Bank has retained consideration to which it is not entitled, it has been unjustly enriched in the amount of \$118,084.00.

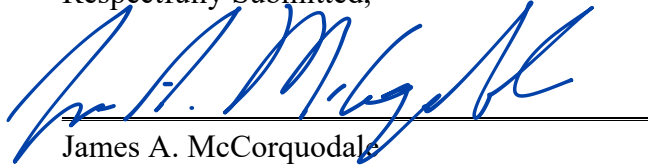
### **IV. PRAYER**

WHEREFORE, U.S. Bank requests judgment against JP Morgan Chase Bank as follows:

- (a) A money judgment for statutory damages in an amount not less than \$118,084.00, plus finance charges and expenses;
- (b) Pre-judgment and post-judgment interest at the statutory rate;
- (c) The costs, disbursements, and attorney's fees incurred in this action; and
- (d) All other relief that the Court deems just and equitable.

Dated: June 28, 2023

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "James A. McCorquodale", is written over a horizontal line.

James A. McCorquodale

Texas State Bar No. 13464900

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